App. F. IX-4

Previous References

193
Rep

File No. 32-3

Serial Nos.

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT.

Miscellaneous papers & references connected with

Enclosures 15 } — Nil

Nyasaland Delegation Regn 1933
Leg & A file No 32-31-1-4

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. No. 1074

From The Asst Engr. of Irrign.

No. 2917 & 28-8-'24

Forwards the papers relating to the neglect by the ryots to collect lands under the Doddakere tank of Sri Seelangere, Kunigal Taluk, to attend to the maintenance work and requests that orders may be issued so that maintenance works of the tanks in the State are properly attended to by the ryots every year.

Instructions have already

N. B.—Should routine notes be written on small slips, the notes must be copied; or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

an issued in F.D. No. R. 3713-22/62-
91-23-1899-2-24. in the matter
responsibility for the
the maintenance & upkeep of
stored tanks; and in para 30
he order, it has been laid down
that Executive Engineers are required
to carry out the annual maintenance
of all restored tanks, requiring
repairs after giving due notice
to the persons responsible.
(A copy of the order has been sent
to the Chief Engr. & Secy., P.W.D.
for Irrigation)
2) Whether a fresh order
is to be issued as proposed by the

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Chief Engr, Co Jnr orders
Pm
9/9/24
9.9.24

3) Man put up an file
heading with over fixing the yrly
liability at one year assessment.
Pm
13.9.24.

Submd
4) R. file no. 21-09 contg. S/C
no. R. 21839/1821. 9.09 6
wherby the Records asked up
under report

Chief
13/9/24
15.9.24

5) Can you get a copy of
the order at Real-1.

16. 9.24

6) a copy of the order is put up.
Pm
17/9/24
17.9.24

7) The recommend as hereinabove
by the Chief Engineer seems

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

to be a very desirable change.
Under Standing Orders (H. O.)
the ryots are liable to ~~be~~ only
one year's assessment, if
they neglect the annual
Tank maintenance work.
In the case of big reservoirs
above, it is expected that
the Officers should, as soon
as neglect comes to their notice
take action to get the ~~work~~
done by ryots. But there
is no statutory penalty attaches
to the negligence of the ryots by
~~except the~~ except
the payment of the portion
of the Cess, ~~and~~ the ryots
have grown very apathetic
in the matter, and unless
the Amildar or a higher Officer
goes and stops at the spot,
no tank maintenance work
is done. It is not possible
for the Amildar to supervise

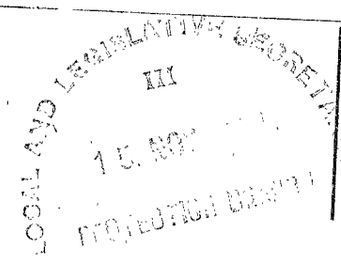
N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

General and Revenue Secretariat.

2160 g/24.

File No.

of 19



Serial No.

In further action

Lt Col Bell
M/C Camps

14.11.24.

8/11
15/11

15/11

Subject for orders if this may be linked to the Irrigation Bill file.

17/11/24.

15/11

NOTE—Contn. Sheet

WD 2310—GPE—10,000—31·5·24

General and Revenue Secretariat | File No. | of 19

Serial No.

DEWAN'S OFFICE,
RECD. ON 25. SEP. 1924
No. 2557

every Bank maintenance Every year.
It seems therefore quite necessary to
increase the penalty for negligence
on behalf of the Mosby making them
~~responsible for the full Share of the~~
cost of the repairs, which they are themselves
responsible for.

Rev. Secy.

The R.C may be consulted
as the change suggested is of
an important character

Dewan

There seems indeed
to be the case
?
Will please

Submitted with a copy of the Irrigation Code & Note thereon. Para 9 of the note appears to meet the case.

B

H

Para 9 of the note to Chapter VII of the Code seems to meet the case fee 47 imposes penalty for negligence of Bund maintenance work

Rev. Secy.

For perusal
This may be over

Dewan

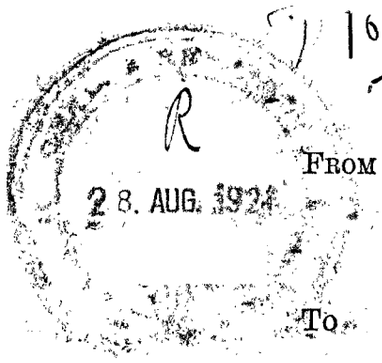
DEWAN'S OFFICE,
RECD. ON 12. NOV. 1924
No. 3463

NOTE—Contn. sheet.

WD 1378—GPB—5,000—25-1-22

No. 2917 1641

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,
Dated Bangalore 28 August 1924.



FROM J.Bhore,Esq., A.M.I.C.E.,
~~EXCAVATIVE, Esq.,~~
Chief Engineer of Mysore, Bangalore.

To

K.V.Anantaraman,Esq., B.A.,
Secretary to Government,
Revenue Department,
Bangalore

Subject:- Neglect of the ryots to attend to the usual ma: tenance of tanks under the plea that their li is only one year's assessment on the tank atc

Sir,

I have the honour to inform you that the Executive Engir Mysore Division reports that so far back as November 1913, the Amildar of Krishnarajpet observed that Doddakere tank of Seelan village was neglected by the ryots holding lands under the tank, called for an estimate for earthwork and other necessary repairs from the Taluk Tank Inspector, as the ryots did not agree to do work themselves, but only consented to pay the quota of cost for the repairs. After a lapse of nearly ten years, the Amildar, has forwarded the correspondence to the Assistant Engineer No.III Sub Division, Krishnarajapet with a request to prepare and send the estimate for the repairs to the tank in question.

In the mutchalika that was obtained from the ryots, which : inthe file of correspondence herewith enclosed, it is stated that they would pay their contribution only after the repairs are completed and not till then.

Many tanks in this and other Districts have suffered very badly in this manner and the ryots holding lands below them consider that their liability for their accumulated neglect for a number of years, to attend to the timely maintenance to their tanks, is only one year's assessment and altogether avoid their obligation to keep the tanks in proper order so far as the earthwork is concerned. As under orders of Government they are liable to the extent of only one year's assessment, they put off attending to the maintenance works and only look up to Government to come forward to do the repairs work and hold themselves liable at the worst, to pay one year's assessment.

Under these circumstances, I request that you will be so good as to issue needful orders in the matter, so that the maintenance work to the tanks in the State are properly attended to by the ryots every year.

The file of correspondence referred to above, may kindly be caused to be returned to this office when no longer required.

I have the honour to be,

Sir,

Your most obedient servant,

27.8.24

Chief Engineer of Mysore.

OFFICE OF THE CHIEF ENGINEER
Regd. no.
5-AUG-1924
FOR IRRIGATION.

From

The

Krishnarajpet

To

The Executive Engineer
Mysore division
Mysore.

No. 35/1 file.

Date 18. 7. 24
20.

Sir,

In submitting herewith file of Correspondence ending with the Taluk Amildars No 16 & 3.7.24 Re. Repairs to Dodkere of Seelanere village, Chinkuruli Hobli, I have the honor to bring to your kind notice that

Mr Ramaswamy
Bring this to notice of C.E. ask for instructions whether this dept should prepare estimates in this cases
C dg 25/7/24

R+R
Submit to S.E
for orders
Ag 28/7

S.E
Pgo d Srivas
Pgo 29/7/24

the correspondence is going on for the last 10 years and is now forwarded to this office, even without the knowledge of the similar for the preparation of Estimate by this Department. I have asked the Subdivision to submit an Estimate early.

The question of maintenance of such tanks were discussed at the last meeting of the Engineers association in Bangalore and it was decided that the Revenue Department is responsible for such tanks and this Department need not be very anxious about them, as the requisit Establishment could not be provided for.

In the circumstances I request that you may be pleased to issue instructions as to how to proceed in the matter, as several requisitions are being received to form some Estimates for the maintenance of unnecessary establishment for restoring minor tanks &c.

I have the honor to be
Sir
Your most obedient servant

Assistant Engineer,
No. 3. Sub Division.

19.7.2

W.B.Z. 19/7.

ನ್ಯಾಯಾಧೀಶರ ಟಿಪ್ಪಣಿ

ಆರೋಪಿಯ ಪರ ವಕೀಲರು ಮತ್ತು ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರ ವಾದವನ್ನು ಆಲಿಸಿದೆ. ಪ್ರಕರಣದ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದೆ.

ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ಆರೋಪಿಯು ಸುಮಾರು 23 ತಿಂಗಳುಗಳಿಗೂ ಹೆಚ್ಚು ಕಾಲ ವಿಚಾರಣಾಧೀನ ಕೈದಿಯಾಗಿ ಜೈಲಿನಲ್ಲಿದ್ದಾನೆ. ಸಾಕ್ಷಿದಾರರ ವಿಚಾರಣೆ ಇನ್ನೂ ಪೂರ್ಣಗೊಂಡಿಲ್ಲ. ಆರೋಪಿಯ ವಿರುದ್ಧದ ಆರೋಪಗಳು ಗಂಭೀರವಾಗಿದ್ದರೂ, ಆತನ ಸುದೀರ್ಘ ಬಂಧನವು ಸಂವಿಧಾನದ ಕಲಂ 21ರ ಅಡಿಯಲ್ಲಿ ಖಾತರಿಪಡಿಸಲಾದ ತ್ವರಿತ ವಿಚಾರಣೆಯ ಹಕ್ಕಿನ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ ಎಂದು ಪರಿಗಣಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ, ಆರೋಪಿಯನ್ನು ಷರತ್ತುಬದ್ಧ ಜಾಮೀನಿನ ಮೇಲೆ ಬಿಡುಗಡೆ ಮಾಡಲು ಆದೇಶಿಸಲಾಗಿದೆ.

ಸಹಿ/-

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು
ಜೆ.ಎಂ.ಎಫ್.ಸಿ., ಮಲ್ಲಿಕಾರ್ಜುನಪುರ

Before me

25-6-2021

జాబితా నం	జమీందారీ పేరు	జమీందారీ వివరాలు					
		పట్టా నంబరు	మాగాణి	మెరక	తీరువా	సాధారణ వ్యాఖ్యలు	రుజువు
	2	3	4	5	6	7	8
13	[illegible]	13	ఖరీ	0-25	2-4-		
14	[illegible]	14	ఖ	2-30	9-8-		
15	[illegible]	15	ఖ	0-24	1-12-		
16	[illegible]	16	ఖ	1-17	4-8-		
17	[illegible]	17	ఖ	2-22	9-0-		
18	[illegible]	18	ఖ	3-13	12-0-		
19	[illegible]	19	ఖ	4-4	12-0-		
20	[illegible]	20	ఖ	3-31	11-0-		
21	[illegible]	21	ఖ	4-19	13-0-		
22	[illegible]	22	ఖ	1-10	3-8-		
29	[illegible]	29	ఖ	1-5	2-12-		
30	[illegible]	[illegible]					
31	[illegible]	31	ఖ	0-23	1-4-0		
34	[illegible]	34	ఖ	2-37	8-8-0		
	మొత్తం	14	0	32-28	107-0		

NOTIFICATION.

No. 282—L. C., dated Bangalore, the 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the marginally noted Bills are published for general information with a statement of Objects and Reasons.

1. Bill to amend the Mysore Tank Panchayet Regulations, 1911, and 2. The Minor Tank Restoration Bill.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the Tank Panchayet Regulation, 1911.

Whereas it is expedient to amend the Tank Panchayat Regulation, 1911; His Highness the Maharaja is pleased to enact as follows:—

Amendment of sub-section (2) of section 2.

1. In Sub-Section (2) of Section 2 of the Regulation, for the words "not less than Rs. 300" the words "more than Rs. 300" shall be substituted.

Amendment of paragraphs (1) and (2) of section 16.

2. For Section 16 paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) With the approval of a majority of not less than two-thirds of the raiyats, a Tank Panchayat may undertake the construction, restoration, or improvement as the case may be, of a minor tank under the rules in force on that behalf.

3. For the figure "(3)" in Sub-Section (3) of Section 16, the figure "(2)" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under the Rules issued in 1904, in connection with the restoration of minor tanks, a tank with an atchkat of Rs. 300 is classed as minor, whereas under clause (2) of Section 2 of the Tank Panchayat Regulation, such a tank is a major tank. The rules recently issued on the same subject repeal the order that the raiyats should do the earthwork and Government the stone and masonry works. To bring these rules and the Regulation into harmony with each other, the Regulation is proposed to be amended.

The Minor Tank Restoration Bill.

Whereas it is expedient to facilitate the working of the Schemes for the construction and restoration of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Minor tank.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, 1 of 1911, shall be a minor tank within the purview of this Regulation.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank or of lands likely to be irrigated by a minor tank proposed to be constructed, agree to pay a share of the cost of restoration or construction according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such consent has been recorded before a Revenne Officer not lower in rank than a Deputy Amildar, and notice thereof has been personally served on the occupants of lands whose consent has been withheld.

Agreement of holders of two-thirds area to be binding on the others.

4. Any amount due under this agreement shall be leviable as if it were arrears of land revenue.

Recovery of dues.

5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.

Appeal.

STATEMENT OF OBJECTS AND REASONS.

In order to give effect to the scheme recently sanctioned by Government with regard to the restoration of minor tanks, legislation is considered necessary on two points, *viz.*, for making the consent of the majority binding on the minority, and for the recovery of the amount of contribution due from the raiyats as an arrear of land revenue. The Bill is intended to provide for this object.

NOTIFICATION.

No. 2—L. C., dated 1st July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Minor Tank Restoration Bill is published for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Minor Tank Restoration Bill.

We, the members of the Select Committee appointed to consider the Minor Tank Restoration Bill, have the honour to submit the following report to the Council together with the Bill as amended by us.

We have carefully considered the Bill and have made the following amendments therein :—

Preamble.—As the scheme sanctioned by the Government in 1914, relates only to restoration and improvement of tanks and not to the construction of a new tank, it is desirable to limit the scope of the Bill to restoration and improvement of tanks only, and we have therefore slightly amended the preamble and clause 3.

Clauses 4 and 5.—As it is desirable that the orders of the Deputy Commissioner should be made final we have substituted the following new clause for clause 5 renumbering it as clause 4, the present clause 4 being renumbered as clause 5 :—

"4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiry of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected, the Deputy Commissioner shall make an order confirming the agreement and his order shall be final."

Appeal.

The other alterations made are merely verbal.

The Bill as amended by us may be published in the *Mysore Gazette.*

A. R. BANERJI.
K. S. DORASWAMI IYER.
C. S. DORASWAMI IYER.
B. NARASINGA RAO.
B. K. GARUDACHAR.

The Minor Tank Restoration Bill.

(*As amended by the Select Committee.*)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to facilitate the working of the Schemes for the [construction and] restoration *and improvement* of minor tanks; His Highness the Maharaja is pleased to enact as follows :—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, I of 1911, shall be a minor tank within the purview of this Regulation.

Minor tank.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank [or of lands likely to be irrigated by a minor tank proposed to be constructed] agree to pay a share of the cost of restoration or [construction] *improvement* according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such [consent] *agreement* has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar. [and notice thereof has been personally served on the occupants of lands whose consent has been withheld.]

Agreement of holders of two-thirds area to be binding on the others.

4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiration of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected the Deputy Commissioner shall make an order confirming the agreement and his order shall be final.

Appeal.

[4]. *5.* Any amount due under this agreement shall be leviable as [if it were] *an* arrear [s] of land revenue.

Recovery of dues.

[5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.]

Appeal.

2

In section 53 of the Mysore Land Revenue Code Regulation No.4 of 1888, ~~after~~ for the words "or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by Government or by a privat person acting under the written authority of Government", the words "and in respect of which no rate is leviable under Mysore Irrigation ~~Act~~ Regn" shall be inserted, and in section 111 (2) of the said code, Substitutes for the words "or under the Mysore Irrigation ~~Act~~ Regulation" shall be inserted after the figure '53', and to section 114 of the said code, the words "or of the Mysore Irrigation ~~Act~~ Regn. shall be added.

"leviable" the word "levied" shall be substituted the words

THE MSYORE IRRIGATION BILL.

Whereas it is expedient to amend the law relating to Irrigation; His Highness the Maharaja is pleased to enact as follows :-

Short-title, extent and commencement.

1. (1) This Regulation may be called the Mysore Irrigation Regulation.

(2) It extends to the whole of Mysore.

Commencement.

2. ~~(1) It~~ The Regulation shall come into force in such areas and in respect of such works and from such date as may be notified by Government in the official Gazette in this behalf

Definitions

3. In this Regulation unless there is anything repugnant in the subject or context-

(1) " Irrigation work" includes

(a) all canals, channels, pipes and reservoirs constructed, maintained or controlled by Government for the supply or storage of water;

(b) all works, embankments, structures, supply and escape channels, connected with such canals, channels, pipes or reservoirs and all roads constructed for the purpose of facilitating the conctruction or maintenance of such canals, channels, pipes or reservoirs;

(c) all water courses and drainage works as hereinafter respectively defined;

(d) all lands belonging to Government which is situate on the bank of any irrigation work as hereinbefore defined and which has been appropriated under the orders of Government for the purpose of such irrigation work.

(d) Alternative clause.
all lands occupied by the Government for the purposes of such -- canals, channels, pipes, reservoirs and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "Water course" means any -- channel or pipe which is supplied with water from an irrigation work but -- which is not maintained at the cost of Government and all subsidiary works connected with any such channel or -- pipe except the sluice or outlet --

through

through which water is supplied to such channel or pipe;

(3) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxilliary to such channels and escape channels from an irrigation work dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part but does not include works for the removal of sewage;

(4) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation;

(5) "Irrigation officer" includes any person appointed by Government to exercise all or any of the functions of an irrigation officer under this Regulation.

(6) "Owner" includes every person having a joint interest in the ownership of the thing specified, and all rights and obligations which attach to an owner under the provisions of this regulation and shall attach jointly and severally to every person having such joint interest in the ownership.

Appointment of irrigation officers

4. Government ~~are~~ or, subject to such rules as may be made under this Regulation, any officer ~~of Government~~ whom Government empowers in this behalf may declare by notification the officers by whom and the local limits within -- which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Chapter II.

OF THE ~~CONSTRUCTION AND MAINTENANCE~~ Control of water and of IRRIGATION WORKS.

Power to inspect and regulate water supply

5. Any Irrigation Officer ~~duly~~ empowered in this behalf and any person acting under general or special order of such irrigation officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Power to enter for repairs and to prevent accidents

6. In case of any accident happening or being apprehended to any irrigation or drainage work or in case of any urgency any irrigation officer and any person acting under his general or special orders in this behalf may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice to occupier

7. When any irrigation officer proposes under the provision of the ~~three~~ four

enter into any building or enclosed Court or garden attached to a dwelling house (he shall previously give to the occupier of such building, Court or garden such reasonable notice as the urgency of the case may allow.

into which the work does not flow from any irrigation work,

Means of crossing irrigation work and drainage to be provided

8. Suitable means of crossing the irrigation work shall be provided at such places as Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land and suitable bridges culverts, or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any irrigation work.

9 Government may prohibit formation of obstruction of rivers &c within certain limits

9. Whenever it appears to Government that injury to Public health or public convenience or to any irrigation work or to any land for which irrigation from an irrigation work is available has arisen or may arise from the obstruction of any river, stream or natural drainage course the Government may by notification in the official Gazette prohibit within limits to be defined in such notification the formation of any such obstruction or may within such limits order the removal or other modification of such modification and thereupon so much of the said river, stream or natural drainage

from Burma but Madras may be substituted)

9 Power to recover cost of repairing damage to irrigation or drainage works from occupiers of lands benefited by such damage when person causing it is not ascertainable.

9. If any damage, alteration enlargement or obstruction to any irrigation or drainage work is caused without due authority, and if the person causing such damage, alteration enlargement or obstruction cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after notice to the parties concerned, and hearing all representations to the contrary or after expiry of such time for the submission of representations as he may deem sufficient, recover from the occupiers of all lands which have in his opinion benefited by such damage, alteration enlargement or obstruction, ~~together~~ the cost of repairing such damage or of removing such alteration, enlargement or obstruction, together with a penalty, which shall not exceed twenty times the assessment of such lands, any sum recoverable under this section may be recovered as an arrear of land revenue.

Appeal shall lie to the Commissioner

drainage channel as is comprised within such limits shall be held to ~~xxx~~ be a drainage work as defined in Section 3 .

Irrigation officer may issue order to person causing obstruction.

10. Any irrigation officer empowered in this behalf may after such publication issue an order to any person causing or having control over any such obstruction to remove or to modify the same within a limit time to be fixed in the order .

Irrigation officer may remove obstruction.

11. If within the time so fixed such person does not comply with the order the Irrigation officer may cause the obstruction to be removed or modified; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification such expenses ~~xxxxx~~ shall be recoverable by the Deputy Commissioner as an arrear of Land Revenue.

CHAPTER III.

OF WATER COURSES.

18, 19, 20, 21, 22, 23 & 31

Matter of construction of new numbering water courses by private persons & arrangement-

Fo. 15, 17, 13, 14, 15 — 28

10

12. Any person may, with the permission of an irrigation officer duly empowered to grant such permission, construct a new water course if he has obtained the consent of the holder of the land required therefor.

Application to irrigation officer for construction of new water course.

13. Any person desiring to construct a new water course but being unable or unwilling to construct it under

Here is the clause
18 of the
Madras Irrigation
Bill (vide pages
933 to 937) of the
Part-IV of the
Fort St. George Gazette
of 22/9/1916.

the Irrigation Office shall serve notice on the owner to show cause why such authority should not be granted or such declaration should not be made, and, if no objection be raised, or if any objection be raised and be found insufficient or invalid, shall, subject to the approval of the Deputy Commissioner either authorize the applicant to use the water-course or declare him to be a joint owner thereof on such conditions as to the payment of compensation or rent or otherwise as may appear to him equitable.

20. No land acquired under this Chapter for a water-course shall be used for any other purpose without the previous consent of an Irrigation Officer duly empowered to grant such permission.

25. The supply of water to any water-course or to any person who is entitled to such supply shall not be stopped except-

(a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;

(b) whenever and so long as any water-course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(c) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of other persons entitled to water;

(d) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;

(e) within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given.

Agreements for supply of canal transferable with property in respect of which supply given.

28. ~~Every agreement for~~ the supply of ~~canal~~-water to any land, building or other immovable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immovable property takes place.

No person entitled to the use of any work land appertaining to any canal and, except in the case of any such agreement as aforesaid, no person entitled to use the water of any canal, shall sell or sub-let or otherwise transfer, his right to such use without the permission of an Irrigation Officer duly empowered to grant such permission.

Chapter V.

Of the Award of Compensation.

23. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this ~~xxx~~ Regulation, which is capable of being ascertained and estimated at the time of awarding such compensation:

(A) ~~Provided that~~ Provided that no compensation shall be so awarded in respect of any damage arising from-

(a) deterioration of climate, or soil or displacement of labour

(b) ~~stoppage of navigation, or the means of rafting timber or~~ stoppage of watering cattle, or stoppage or diminition of percolation or floods

(c) stoppage or diminution of any supply of water in consequence of the exercise of the power conferred by section if no use have been made of such supply within the five years next before the date of the issue of the notification under section 28, or

(d) failure or stoppage of the water in ~~a canal~~ an irrigation work, when such failure or stoppage is due to

(1) any cause beyond the control of Government,

(2) the execution of any repairs, alterations or additions to the canal, or

(3) any measures considered necessary by any Irrigation-Officer duly empowered in this behalf for regulating the proper flow of water in the ~~canal~~ channel or work, or for maintaining the established course of irrigation, or for the safety of the ~~canal~~ work;

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (c) of this section shall be entitled to such remission of the water-rate payable by him as may be authorized by Government.

~~Provided that~~ (b) ~~24.~~ No claim for compensation ~~under this Regulation~~ for any damage shall be entertained after the expiration of ~~twelve months~~ one year from the ~~time when the~~ date on which such damage ~~complained of commenced~~ first occurred, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

28 ~~25.~~ In ~~the~~ case of entry upon any land or building ~~under Section 5 or~~ Section 6 the Irrigation Officer or person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the

execution of any work, to any crop, tree, building or other property,

and within one month from the date of such entry compensation shall be tendered by an Irrigation Officer duly empowered in this behalf to the land holder or owner of the property damaged

If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

29. If the supply of water to any land irrigated from an irrigation work be interrupted otherwise than in the manner described in clause (c) of section 23, the holder of such land may present a petition for compensation to the Deputy Commissioner for any loss arising from such interruption, and the Deputy Commissioner after consulting the Irrigation Officer, shall award to the petitioner reasonable compensation for such loss.

30 30. The decision of Deputy Commission under either of the last two preceding sections as to the amount of compensation to be awarded, or, if any rule framed under section 43 such decision shall be declared to be appleable, then the decision of the authority to whom the appeal lies, shall be conclusive.

28.. As soon as practicable after the issue of a notification under section the Deputy Commissioner shall cause public notice to be given ~~at~~ convenient places, stating that the Government intend to apply or use the water as aforesaid, and that claims for compensation may be made before ~~him~~ him.

A copy of sections 23 and 24 shall be annexed to every such notice.

~~28~~. All claims for compensation under this Regulation other than claims of the nature provided for in sections 25 and ~~26~~ must be made before the Deputy Commissioner of the district in which such claim arises.

~~29~~ 30. The Deputy Commissioner shall enquire into every such claim and determine the amount of compensation if any, which should in his opinion be given to the claimant; and sections 11, 12, 14, 15, 18 & 23 (inclusive) 26 & 40 ~~8, 9, 11, 14 to 19 (inclusive) 24~~ to inclusive ~~31 (inclusive)~~ 51 and 58 of the Land Acquisition Regulation shall apply to such enquiries:

~~30~~ 31. In determining the amount of compensation under the last preceding section, regard shall be had to the diminution in the market-value at the time of awarding compensation, of the property in respect of which compensation is claimed;

and, where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Regulation.

34. All sums of money payable for compensation awarded under section 28 shall become due three months after the claim for such compensation was made;

and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the climant to apply for or receive the same.

35. If compensation is awarded under section 28 on account of a stoppage of water to any land paying revenue to Government and the amount of the revenue payable on account of such land has been fixed with reference to the water-advantages appertaining thereto, the holder of the said land shall be entitled to an abatement of the amount of revenue payable to such extent as shall be determined by the Deputy Commissioner

34. Every inferior holder of any land in respect of which such compensation has been paid shall, if he receives no part of the said compensation, be entitled to an abatement of the rent previously payable by him to the superior holder thereof in proportion to the reduced value of the holding;

But, if a water-supply which increases the value of the holding is afterwards restored to the said land otherwise than at the cost of the inferior holder, the superior holder shall be entitled to enhance the rent in proportion to such increased value: provided that the enhanced rent shall not in any case exceed the rent payable by the inferior holder before the abatement, unless the superior holder shall, independently of the provisions of this section, be entitled so to enhance the previous rent.

Supply rates.

Determination of rates for supply of canal water.

Such rates shall be leviable for canal water supplied for purposes of irrigation, or for any other purpose, as shall from time to time to determined by the government.

Provision for cases in which existing water supply is improved.

If owing to the construction of a new canal or to the improvement or extension of an existing canal, the amount or duration of any water supply in respect of which either no revenue or a fixed amount of revenue has hitherto been paid to government, is increased, rates shall be leviable under this section in respect of the increased water-supply only.

Occassional rates.

Liability when person using water unauthorisedly cannot be identified.

If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, the person or all the persons on whose land such water has flowed, if such land has derived benifit therefrom.

or if no land has derived ben therefrom, the person or all the pe sons chargeable in respect of the v supplied through such water course

shall be liable, or jointly

liable, as the case may be, for the charges which shall be made for such use under the rules prescribed by the Government under section 62.

Liability when water runs to waste.

39. If water supplied through a water-course be suffered to run to waste, and if after enquiry the person through whose act or neglect such water was sufficient to run to waste, cannot be discovered,

the person or all the persons chargeable in respect of the water supplied through such water-course shall be liable or jointly liable as the case may be, for the charges which shall be made in respect of the water so wasted under the rule prescribed by the Government under section 62.

All questions arising under this and the last preceeding section, shall subject to the provisions of section 59, be decided by a canal officer duly empowered in this behalf.

Charges recoverable in addition to penalties.

40. All charges for the unauthorised use, or for waste of water, may be recovered, as water rates, in addition to any penalties incurred on account of such use or waste.

Percolation and leakage rates.

If it shall appear to a canal officer duly empowered to enforce the

Land deserving benefit from percolation liable to water rate.

provisions of this section that any cultivated land within 200 yards of any canal receives by percolation or leakage from such a canal an advantage equivalent to that which would be given by a direct supply of canal-water for irrigation,

or that any cultivated land, whereever situate derived by surface flow, or by means of a well sunk within 200 yards of any canal after the admission of water into such canal, a supply of water which has percolated or leaked from such canal,

he may charge on such land a water rate not exceeding that which would ordinarily have been charged for a similar direct supply to land, similarly cultivated;

for the purposes of this Act, land charged under this section shall be deemed to be land irrigated from a canal.

Recovery of water-rates and other dues in arrears.

42

Water rates and to whom to be paid.

Every water-rate leviable under this Act shall be payable in such instalments and on such dates to such officers as shall from time to time be determined under the orders of the Government.

Arrears to be recoverable as land revenue.

Any such rate, or instalment of the same which is not paid on the day it becomes due, and any sum due to Government or to any canal officer, weather on behalf of Government or of any other person under part III which is not paid when demanded, shall be recoverable according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

Rent due to owners of water courses to be recoverable as arrears of land revenue.

Rent payable to the owner of a water-course by a person authorised to use such water-course shall be payable in such instalments and on such dates as the canal officer duly empowered to act under section 23 shall direct, and may be recovered on behalf of the owner according to the law and the rules aforesaid.

Provided always that no more shall at any time be payable to the owner than is actually recovered from the said person.

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W.R.R.

CHAPTER VI.

f Penalties.

CHAPTER VI.

f Penalties.

ever voluntarily and without proper authority --

(1) Damages, alters, enlarges or obstructs any ~~canal~~ irrigation work;

(2) interferes with, or increases or diminishes the supply of water in, or the flow of water from, through, over or under any ~~canal~~ irrigation work, or by any means raises or lowers the level of the water in any ~~canal~~ irrigation work;

(3) corrupts or fouls the water of any ~~canal~~ irrigation work so as to render it less fit for the purposes for which it is ordinarily used;

(4) destroys, defaces or moves any land or level mark or water-gauge fixed by the authority of a public servant;

(5) destroys, tampers with, or removes, any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any ~~canal~~ irrigation work;

(6) passes, or causes animals or vehicles to pass, in or across any of the works, banks or channels of an ~~canal~~ irrigation work contrary to rules made under section ~~44~~, after he has been desired to desist therefrom;

(7)

(7) causes or knowingly and wilfully permits cattle to graze upon any ~~canal or flood embankment~~ irrigation work, or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such ~~canal or embankment~~ irrigation work, or roots up any grass or other vegetation growing on any such ~~canal or embankment,~~ irrigation work or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injured, any tree, bush, grass or hedge intended for the protection of such ~~canal or embankment~~ irrigation work;

(8) violates any rule made under section ~~44~~ for breach whereof the Government shall, in such rules, direct that a penalty may be incurred;

and whoever--

~~(9)~~ being responsible for the maintenance of a water-course, or using a water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner or prevents or interferes with the lawful use of such water-course by any person authorized to use the same or declared to be a joint owner thereof under section 19;

shall, when such act shall not amount to the offence of committing

mischief within the meaning of the Indian Penal Code, on conviction before a Magistrate, be punished for each such offence with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month, or with both.

30. Whoever without proper authority-

(1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of any ~~canal~~ irrigation work;

(2) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any ~~canal~~ irrigation work;

(3) makes any dam or obstructs for the purpose of diverting or opposing the current of a river or ~~canal~~ on the bank whereof there is a flood-embankment, or refuses or neglects to remove any such dam or obstruction when lawfully required so to do;

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction before a Magistrate of the first or second class, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

39. Whenever any person is convicted under either of the last two preceding sections, the convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation officer duly empowered in this behalf may remove such obstruction or repair such damage, and the cost of such removal or repair, as certified by the said officer, shall be leviable from such person by the Deputy Commissioner as an arrear of land-revenue.

38. Any person in charge of, or employed upon, any irrigation work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police station, to be dealt with according to law, any person who within his view--

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority intereferes with the supply or flow of water, in or from any irrigation work, or in any river or stream, so as to endanger, damage, make dangerous or render less useful any irrigation work.

(S.16 General Clauses Regulation)

~~38~~. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation. Provided that no person shall be punished twice in respect of one and the same act or omission.

~~39~~ 40. Whenever any person is fined for an offence under this Regulation the Court which imposes such fine, or which confirms, in appeal or revision a sentence of such fine, or a sentence of which such fine forms part, may direct that the whole or a any part of such fine may be paid by way of award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine be awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed, or, if an appeal be presented, till after the decision of the appeal.

CHAPTER ~~VII~~.

Miscellaneous.

~~40~~ 41. Every order passed by an Irrigation officer under sections ~~10~~, 14 and 23 shall

to the Deputy Commissioner. Provided that the appeal be presented within thirty days of the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to the supervision and control of Government.

4~~5~~. Any officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure; and every such enquiry shall be deemed a judicial proceeding.

4~~6~~. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made ~~of~~ on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person

therein named ordinarily dwells or carries on business; and, if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

45. Government may from time to time make rules not inconsistent with this Regulation to regulate the following matters:--

(a) the proceedings of any officer who, under any provision of this Regulation, is required or empowered to take action in any matter;

(b) the cases in which, the officers to whom and the conditions subject to which, orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done;

(d) the amount of any charge to be made under this Regulation;

(e) and generally to carry out the provisions of this Regulation.

Government may, from time to time, alter or cancel any rules so made.

Such rules, alterations and cancelments shall be published in the official Gazette and shall thereupon have the force of law.

45. Nothing in this Regulation shall be deemed to apply to any canal, channel, reservoir, lake or other collection of water vesting in any municipality.

Application of this chapter

59

Notification of second class irrigation work

~~48~~ (

8. (1) The Government may publish a notification in the Official Gazette

(a) declaring that it is proposed to constitute any canal, channel, stream , river, pipe or reservoir, natural and artificial, or any part thereof whether constructed, maintained or controlled by Government or not, it is actually used for the purposes of irrigation, any irrigation work,

(b) fixing a period of not less than 4 months from the date of the publication of such notification for the submission of such objection to such proposal,

(2) After the publication of such notification, it shall also be published by the Deputy Commissioner as soon as practicable in Kannada at the Amildar's office of the taluk in which the work is situated and in every town and village which in the opinion of the Deputy Commissioner is likely to be affected by such notification.

(3) After considering such objections as may have been received within the period fixed as aforesaid, the Government may by notification in the official ~~Kannada~~ Gazette declare such canal channel, stream, river, pipe or reservoir or any part thereof to be an irrigation work

Proclamation by the ~~collector~~ Deputy Commissioner

3.A. When a notification has been issued under Sub Section (3) of Section 5-9 the Deputy Commissioner shall publish in Kannada at the Taluk Office of the taluk in which the work is -- situated in every town and village which in his opinion is likely to -- be affected by such declaration or ~~xxxx~~ proclamation -

(a) Specifying as nearly as possible, the source of supply situation and limits of the Irrigation work notified ~~in~~ under sub section(3) of Section 5-9

(b) stating that the provisionsof this regulation apply to the work so notified from the date of the notification published under sub Section (3), and

(c) fixing a period of not less than 3 months from the date of such proclamation and requiring every person claiming any right in the work so notified either to present to the Deputy Commissioner within such period or a written notice specifying, or to appear before him and state, the nature of such right.

61

Application of certain sections of the Main Regulation

(1) A Lucas from Irrigation work shall be deemed to be an Irrigation work within the meaning of Sub Sec(1) of 5-9 of the Said work the following sections and chapters of Shall apply for the purpose of 5-

Sections 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 20, 22 25, 26, chapter V, chapter VIII and chapter IX

(2) The aforesaid sections and ~~Parts~~ chapters shall, for the purposes of this chapter be subject to the following modifications, namely

(i) In sec: 10 before the word "any ~~prefix~~ the words, -

"Subject to any rights recorded in the Record of Rights prepared or revised as hereinafter provided

~~(ii) In sec: 17 before the word 'any' prefix~~

(ii) In sec: 26 after the word 'properly' where it first occur

been recorded in the Record of rights prepared or revised as hereinafter provided shall be inserted

(iii) In chapter V, section 27 proviso clause (c) ~~and paragraph B shall be omitted~~ shall be omitted

(iv) In chapter ~~IX~~ V, section 53, after the figure 22 the word and chapter ~~X~~ shall be inserted.

Framing Record of Rights

62 B. 60

(1) As soon as possible after the expiry of the period fixed by the Deputy Commissioners under S. 60 cl.(c) an irrigation officer duly empowered in this behalf, who shall be a Revenue Officer not below the rank of an Amildar shall enquire into and settle claims to any right in the Irrigation work and shall record the extent of such right and draw up in the form from time to time prescribed by the Government an Irrigation Record of rights so far as the same may be ascertainable from the records of Govt. and the evidence of any person likely to be acquainted with the same, and any other documentary or oral evidence which the parties concerned or their witnesses may produce.

(2) Such Record of rights shall contain the following matters:--

(a) the nature of the Irrigation work and any work subsidiary thereto;

(b) the lands irrigable therefrom.

(c) the custom or rule of irrigation;

(d) the rights to water and the conditions on which such rights are enjoyed and

(e) such other matters as the Govt. may by rules prescribe in this behalf.

Powers of canal Officer

~~3B~~ 62.

(1) For the purposes of the enquiries under S.~~3B~~ 62, such irrigation officer may enter, by himself or any officer authorised by him for the purpose, upon any land adjacent to any such work, and may survey, demarcate, and make a map of the same.

(2) Notwithstanding any thing contained in S.~~3B~~ 62 where no sufficient evidence ~~is forthcoming forthcoming~~ is forthcoming as to all or any of the matters specified in that section such irrigation officer shall, so far as may be, settle and record the aforesaid matters in such manner as he may deem fit.

Revision of Record of rights

64 ~~3C~~. The Record of rights prepared under S.~~3B~~ 62 may be revised from time to time by an irrigation officer empowered in that behalf, who shall be a Revenue Officer not below the rank of an Amildar.

Commutation of rights

65 ~~3D~~.

When the irrigation officer who has prepared or revised any Record of right finds that having due regard to the maintenance or management of the Irrigation Work, any right contained in the Record of rights cannot continue to be exercised to the extent recorded.

he shall (subject to such rules as the Govt. may from time to time prescribe in this behalf) commute such right wholly or in part, either by the payment to the holder of such right of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he may think fit; and he shall revise the Record of rights accordingly.

Power of Govt. where works are undertaken increasing supply

66 ~~S.~~ In the event of Govt. undertaking at their own cost any work whereby the supply of water in any Irrigation work is increased beyond the amount of such supply at the time of preparing or revising the Record of rights the Govt. may, without prejudice to any rights so recorded, direct that the right to such surplus water shall vest in Govt. and shall be applied as Govt. may deem fit and the Record of rights shall be revised in accordance with such direction.

Publication of Record of rights

67 ~~S.~~

When any Record of rights has been prepared or revised, it shall be published in Kannada at the office of the Amildar of the taluq in which the work is situated and in every town or village which in the opinion of the Deputy Commissioners is affected by such Record of Rights.

(3. H.

Entries in the Record of rights to be relevant as evidence

Any entry in any Record of rights prepared or revised under this Regulation shall be relevant as evidence in any dispute as to the matters recorded and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor. Provided that no such entry shall be construed as to limit any of the powers conferred on the Govt. by this Regulation.

69

Notice of suit to be given to the ~~collector~~ Deputy Commr.

~~(3.~~ I.

(1) In any suit or proceeding in which an entry made in any Record of rights prepared or revised ~~and~~ under this Regulation is directly or indirectly called in question, the court shall, before the final settlement of issues, give notice of the suit or proceeding to the Deputy Commissioner and if moved to do so, shall make the Deputy Commissioner a party to the same.

Suits against Government

(2) Save as provided in sub section 1, no suit shall lie against Govt. in respect of any thing done by the Deputy Commissioner, irrigation officer, or any other person acting under the orders of Govt. in the exercise of any power conferred by this Regulation on such Deputy Commissioner, Irrigation or other officer or ~~as~~ on Govt.

Period of limitation

(3) Any suit or proceeding in which an entry made in any Record of rights prepared or revised under this Regulation is directly or indirectly called in question shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under section 67 of the Record of rights containing the said entry or if one or more appeals have been made against any orders of an irrigation officer with reference to any entry in such Record of rights, then from the date of any order passed by the final appellate authority as determined according to this Regulation.

Obligation to carry out petty repairs
(cf. Tank Maintenance Rules Appendix A) 45

In every Irrigation work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section that is to say

(1) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, channel banks, or other portions of the said irrigation work;

(2) The prevention of the growth on such work of prickly pear, young trees, and other vegetation endangering the safety or concealing the condition of such work;

(3) The preservation of such bushes and grasses as have been planted for the protetion of the interior water slopes of such work;

(4) The clearance of silt from sluices, supply and distributing channels;

(5) The clearance of waste weir and waste channels.

(cf Tank Maintenance Rules, Rule 2&3) 71 46.
Incidence of Obligation.

The obligation to perform the repairs prescribed by the last preceding section shall, with reference to any land irrigated from such work be

be deemed to be imposed jointly and severally, in the case of unalienated land on the occupants of the land, and in the case of all other land, on the holders of the land, as defined in either case in the Mysore Land Revenue Code.

(cf. Tank Maintenance Rules, Rule 6 Power to enforce rights and obligations 72 47

If any person on whom any obligation is imposed by any of the above provisions, fails to fulfil the obligation so imposed, the irrigation officer may require him by notice to fulfil such obligation within a period to be prescribed in the notice, of not less than 15 days, and in the event of failure may take such steps as may be necessary for the discharge of the said obligation ~~xxthxxx

Public servants and some other persons protected from legal proceedings

49 No suit, prosecution, or other legal proceeding shall be maintained against any public servant or person appointed under this Regulation in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Power to make rules.

50. The Government may, from time to time by notification in the Official Gazette and after previous publication make rules as to all or any of the following matters: -

(1) the manner of framing and providing the Record of rights;

(2) the proceedings of any officer who under the provisions of this Regulation is required to take action in any matter, and

(3) generally to carry out the provisions of this Regulation.